

REMARKS

Claims 1, 3, 4 and 12 are pending in this application. By this Amendment, claims 1, 3, and 4 are amended. The amendments to the claims introduce no new matter.

Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 1, maintains the Restriction Requirement previously asserted regarding claim 12. Applicants respectfully request that, upon finding independent claim 1 allowable, claim 12, acknowledged by a previous Office Action as constituting a combination claim, be rejoined and allowed.

The Office Action, in paragraph 3, rejects claims 1, 3 and 4 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the claims are asserted to contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. While Applicants do not concede this conclusion of the Office Action, Applicants voluntarily amend claims 1, 3 and 4 to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3 and 4 under 35 U.S.C. §112, first paragraph, are respectfully requested.

The Office Action, in paragraph 7, rejects claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, DE 19831 747 A1 to Continental (or U.S. equivalent patent, U.S. Patent No. 6,923,879 to Blickwedel et al., hereinafter "Blickwedel", all references in this reply will cite to appropriate passages from the disclosure of Blickwedel) alone, or either of these references taken further in view of U.S. Patent No. 5,380,384. to Tokunaga et al. (hereinafter "Tokunaga"). These rejections are respectfully traversed.

Claim 1 recites, among other features, winding and joining an unvulcanized rubber strip onto an outer peripheral surface of the expanded carcass to form at least one tire constitutive member, wherein the strip has a cross-section that is determined depending on the shape of the tire constitutive member to be formed, and, for each tire constitutive member formed, the winding of the strip commences at a radially outermost point of the tire constitutive member, and the strip is successively wound from a radially outer side to a radially inner side of the tire constitutive member such that, for each turn, a previously wound strip is superimposed at least partially by a successively wound strip, so as to allow a resulting lamination to form the tire constitutive member.

Blickwedel discloses a method for producing a tire that includes a stepwise buildup of the tire, the rubber of the tire sidewalls being applied as an extruded rubber strip (Abstract).

The Office Action asserts that Blickwedel is applied for substantially the same reasons as set forth previously regarding Continental. As such, as to the requirement that the strip is successively wound from a radially outer side to a radially inner side, the Office Action must necessarily incorporate the arguments previously made that Continental, now Blickwedel, may be reasonably read to implicitly disclose forming at least one tire constitutive member by winding the strip successively from a radially outer side to a radially inner side. However, despite this implication in the Office Action, Blickwedel cannot reasonably be considered to suggest such a feature.

The previous Office Action stated "although the reference illustrates the winding as proceeding from the beads 12 towards the belts 13, *i.e.* from inside to outside, a partial automated machine translation of page 7, lines 36-43 indicates that this winding direction suggestion is prefaced by 'usually.'" Applicants previously argued that the inclusion of the term "usually" referred only to a starting point for the winding and not to "this winding

direction" as was asserted in the previous Office Action, and appears to be implicitly incorporated by reference into the Office Action.

This Office Action, in paragraph 7, offers further interpretation of the term "usually" as it is used in Blickwedel to attempt to rebut Applicants' previous construction of the term but does not directly address Applicants' argument that the term does not relate to a winding direction.

The previous Office Action construed the term to alternatively either (1) implicitly mean that the winding could be made in the opposite direction to that shown, or (2) render it obvious to one of ordinary skill to reverse the winding direction. Applicants respectfully disagreed. This Office Action, in paragraph 7, relies on Blickwedel at col. 7, lines 23 and beyond to "bolster the position that 'usually' is merely in reference to the start point of the winding is not related to the uniformity." Clearly, Applicants' argument regarding the application of the term "usually" have been misconstrued. Applicants previously argued that the term "usually," as noted in Continental is intended to contrast the winding process beginning in the bead region 12 and progressing toward the belt plies 13 with what may be considered a not "usual" condition where the winding process begins at a position other than the bead region and (still) progresses toward the belt plies.

Applicants renew this argument particularly in light of the disclosure of Blickwedel at col. 7, lines 23 and beyond. Blickwedel teaches "[t]he application operation starts usually in the bead region 12. As the application operation advances in the direction toward the belt plies 13 of the carcass ..." (emphasis added). There is no reasonable manner by which the term "usually" as it is taught by Blickwedel can be considered to modify anything other than a start point of the application operation. Any reference to the application operation advancing is "in the direction toward the belt plies of the carcass." The depictions in the figures support this reading as well. The implication of "usually" is simply that that winding could start at

some intermediate position between the bead region 12 and the belt plies 13, and then (still) progress toward the belt plies 13. As such, it remains unreasonable to interpret the disclosure of Blickwedel as suggesting that a winding could start at a radially outermost point and proceed to a radially inner point, because the belt plies are at the radially outermost point of the carcass band. Applicants did not previously argue, nor do they argue now, "usually" as modifying uniformity. Applicants' arguments simply assert that the term "usually" cannot be reasonably construed to reverse the direction of the winding that is positively described and depicted in Blickwedel, and that is not disclosed as being reversible.

For at least the above reasons, Continental/Blickwedel cannot reasonably be considered to have suggested the winding of the strip commences at a radially outermost point of the tire constitutive member, and the strip is successively wound from a radially outer side to a radially inner side of the tire constitutive member, as is recited, among other features, in independent claim 1.

Tokunaga is applied only to bolster the position that a preliminary step to the above of radially outwardly expanding a cylindrical carcass is a conventional tire building step. This is a conclusion that Applicants do not necessarily concede. Because such an alleged disclosure, however, does nothing to cure the shortfall in the application of Continental/Blickwedel as applied to the feature of a winding direction for the unvulcanized rubber strip, even the combinations of the applied references cannot reasonably be read to have suggested such a feature.

Based on the above, Applicants respectfully submit that no combination of Continental/Blickwedel and Tokunaga would have suggested the combination of all of the features recited in independent claim 1. Further, the features recited in claims 3 and 4 are also not suggested by any combination of the applied references for at least the dependence of

these claims on independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

The Office Action, in paragraph 5, rejects claims 1, 3 and 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0074077 to Ikeda et al. (hereinafter "Ikeda"). This rejection is respectfully traversed.

Ikeda is not available as prior art because Applicants claim priority to Japanese Patent Application Publication Nos. JP 2000-355449, filed on November 22, 2000, and JP 2000-400918, filed on December 28, 2000, which dates are prior to the October 30, 2001 filing date of Ikeda. A Claim of Priority was filed on November 19, 2001, and certified copies of priority documents were submitted on that date, in compliance with 35 U.S.C. §119. Additionally, verified English-language translations of the priority documents are attached, which include statements that the translations are accurate in compliance with MPEP §201.13.

Because Ikeda is not available as a prior art reference, reconsideration and withdrawal of the rejection of claims 1, 3 and 4 under 35 U.S.C. §102(e) as being anticipated by Ikeda are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachments:

- English-language translation of JP 2000-355449
(with statement that the translation is accurate)
- English-language translation of JP 2000-400918
(with statement that the translation is accurate)

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